## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	UNITED STATES OF AMERICA ) 8:07CR54				
Plaintiff,		) 8.07CR34 )			
	vs.	) DETENTION ORDER			
LU	_UIS HARO-RAMIREZ,				
	Defendant.	}			
A.	Order For Detention After waiving a detention hearing pursuant Act on March 6, 2007, the Court orders the atto 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform above-named defendant detained pursuant			
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X             By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.             X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.         </li> </ul>				
C.	distribute methamphetar 846 carries a minimum s maximum of life impriso felon (Count V) in violatio sentence of ten years im Nebraska after having be the conviction of an agg United States without th successor (Count IV) in v to twenty years imprison (b) The offense is a crime of (c) The offense involves a new maximum set to twenty years imprison to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years imprison (c) The offense involves a new maximum set to twenty years in the set to the converse of the conve	and includes the following: e offense charged: y to distribute and possess with intent to mine (Count I) in violation of 21 U.S.C. § sentence of ten years imprisonment and a mment; the possession of a firearm by a n of 18 U.S.C. § 922(g) carries a maximum mprisonment; being found in the District of een deported from the United States after gravated felony and having reentered the e consent of the Attorney General or his violation of 8 U.S.C. § 1326(a) and subject ment under 8 U.S.C. § 1326(b). f violence.			
	may affect whet	of the defendant including: appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. Is not a long time resident of the community. does not have any significant community			

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		The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.
	(	o) At the time of the current arrest, the defendant was on:  Probation
		Parole Release pending trial, sentence, appeal or completion of sentence.
	(	c) Other Factors:  X The defendant is an illegal alien and is subject to
		deportation.  The defendant is a legal alien and will be subject to deportation if convicted.
		X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X	rele	nature and seriousness of the danger posed by the defendant's ase are as follows: The nature of the charges in the Indictment, the endant's prior criminal history, and the BICE detainer.
Χ	(5) <b>Rel</b>	uttable Presumptions
	In d	etermining that the defendant should be detained, the Court also relied the following rebuttable presumption(s) contained in 18 U.S.C. §
	314	2(e) which the Court finds the defendant has not rebutted:
	<u>X</u> (	a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
		(1) A crime of violence; or
		<ul> <li>X (2) An offense for which the maximum penalty is life imprisonment or death; or</li> </ul>
		X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
		(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was
	V (	committed while the defendant was on pretrial release.
	<u>X</u> (	<ul> <li>That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety</li> </ul>
		of the community because the Court finds that there is probable
		cause to believe:  X (1) That the defendant has committed a controlled
		substance violation which has a maximum penalty of
		10 years or more. (2) That the defendant has committed an offense under 18
		U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment
		if committed by the use of a deadly or dangerous weapon or device).

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## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 6, 2007.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge